

**SUPPLEMENTAL DECLARATION**  
**Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **CARDIOPLEGIA OCCLUDER** the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on December 18, 1997,, as United States Application Serial No. 08/993,202.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
08/854,806 08/645,762		May 12, 1997 May 14, 1996	Pending Abandoned

Send Correspondence to: John Kappos	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: John Kappos 714-751-6606
----------------------------------------	-------------------------------------------------------------------------	-----------------------------------------------------------

201	FULL NAME OF INVENTOR	FIRST Name Ross	MIDDLE Initial S.	LAST Name Tsugita	
	RESIDENCE & CITIZENSHIP	City Mountain View	State or Foreign Country California	Country of Citizenship U.S.	
	POST OFFICE ADDRESS	1653 Gretel Lane	City Mountain View	State or Country CA	Zip Code 94040
202	FULL NAME OF INVENTOR	FIRST Name Tracy	MIDDLE Initial D.	LAST Name Maahs	
	RESIDENCE & CITIZENSHIP	City Santa Clara	State or Foreign Country California	Country of Citizenship U.S.	
	POST OFFICE ADDRESS	1610 Nantucket Circle, #213	City Santa Clara	State or Country CA	Zip Code 95054

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	Ross S. Tsugita
Date	6.30.99
Signature of Inventor	Tracy D. Maahs
Date	6.30.99

# POWER OF ATTORNEY

Docket No. 228/181

Patent

Embol-X, Inc., assignee(s) of the application for United States Letters Patent for  
Cardioplegia Occluder

(Title)

by Ross S. Tsugita and Tracy D. Maahs

(Inventors)

\_\_\_\_ executed on even date herewith, or  
x having Serial No. 08/993,202, filed 12/18/97,

a copy of the assignment of which is attached hereto, do(es) hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

The registered attorneys listed below and members of or associates in the law firm of **LYON & LYON**, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071, Registration No. 11,611, whose members are all admitted to the Bar of the State of California:

Roland N. Smoot	Reg. 18,718	Allan W. Jansen	Reg. 29,395	Carol A. Schneider	Reg. 34,923
Conrad R. Solum, Jr.	Reg. 20,467	Robert W. Dickerson	Reg. 29,914	Hope E. Melville	Reg. 34,874
James W. Geriak	Reg. 20,233	Roy L. Anderson	Reg. 30,240	Michael J. Wise	Reg. 34,047
Robert M. Taylor, Jr.	Reg. 19,848	David B. Murphy	Reg. 31,125	Richard J. Warburg	Reg. 32,327
Samuel B. Stone	Reg. 19,297	James C. Brooks	Reg. 29,898	Kurt T. Mulville	Reg. 37,194
Douglas E. Olson	Reg. 22,798	Jeffrey M. Olson	Reg. 30,790	James P. Brogan	Reg. 35,833
Robert E. Lyon	Reg. 24,171	Steven D. Hemminger	Reg. 30,755	Corrine M. Freeman	Reg. 37,664
Robert C. Weiss	Reg. 24,939	Jerrold B. Reilly	Reg. 32,293	Kenneth S. Roberts	Reg. 38,283
Richard E. Lyon, Jr.	Reg. 26,300	Paul H. Meier	Reg. 32,274	Charles C. Fowler	Reg. 39,675
John D. McConaghy	Reg. 26,733	John A. Rafter, Jr.	Reg. 31,653	James K. Sakaguchi	Reg. 41,285
William C. Steffin	Reg. 26,811	Kenneth H. Ohriner	Reg. 31,646	Brent D. Sokol	Reg. 38,621
Coe A. Bloomberg	Reg. 26,605	Mary S. Consalvi	Reg. 32,212	and	
J. Donald McCarthy	Reg. 25,119	Lois M. Kwasigroch	Reg. 35,579		
John M. Benassi	Reg. 27,483	Lawrence R. LaPorte	Reg. 38,948		
James H. Shalek	Reg. 29,749	Robert C. Laurenson	Reg. 34,206		

John Kappos

Reg. No. 37,861

Address correspondence to: **LYON & LYON**  
Attention: John Kappos  
633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600

I, the undersigned, declare that I am the (an) assignee of the above-identified application or, if the assignee is a corporation, partnership or other association, I am authorized to make this appointment on behalf of the assignee. The above-identified assignee is the owner of this application by reason of an assignment

X which is being filed herewith for recordation;  
\_\_\_\_ which was filed for recordation on \_\_\_\_\_ (copy enclosed herewith);  
or  
\_\_\_\_ which was recorded in the Patent Office on \_\_\_\_\_ at reel \_\_\_\_\_ and frame \_\_\_\_\_.

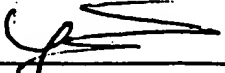
In accordance with 37 C.F.R. §3.73(b), I certify that I have reviewed all documents in the chain of title and, to the best of my knowledge, all right, title, and interest to the invention and this application is in the above-identified assignee. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

EXPRESS MAILING LABEL  
EL496952457US

**POWER OF ATTORNEY**

Docket No. 228/181

Patent

	Full Name of Assignee <b>Embol-X, Inc.</b>	
	Post Office Address <b>3110 Coronado Drive, Santa Clara, California 95054</b>	
	Signature of Declarant or Assignee 	Date <b>2/27/98</b>

Full Name of Declarant If Other Than Assignee <b>Yue-Teh Jang</b>	
Title of Declarant <b>Chief Executive Officer</b>	
Address of Declarant <b>3110 Coronado Drive, Santa Clara, California 95054</b>	

664727" E6249460

Applicant or Patentee: Tsugita, et al.  
 Serial or Patent No.: 08/993,202  
 Filed or Issued: December 18, 1997  
 For: CARDIOPLEGIA OCCLUDER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
 STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN EMBOL-X, INC.

ADDRESS OF CONCERN 3110 CORONADO DRIVE, SANTA CLARA, CA 95054

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

CARDIOPLEGIA OCCLUDER

by inventor(s) Ross S. TSUGITA and Tracy D. MAAHS

described in

- ☐ the specification filed herewith
- ☒ the application serial no. 08/993,202, filed December 18, 1997.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

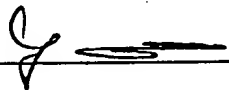
NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING YUE-TEH JANG  
 TITLE OF PERSON SIGNING Chief Executive Officer  
 ADDRESS OF PERSON SIGNING 3110 Coronado Drive, Santa Clara, California 95054

SIGNATURE  DATE 2/27/98

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